

## **REMARKS**

By this Amendment, claims 1, 2, 27, and 28 are amended, and new claims 35-56 are added. Consequently, claims 1-56 are pending in this application. Claims 18 and 19 have been allowed.

As an initial matter, Applicants take this opportunity to thank the Examiner for indicating that claims 6-17, 20-26, and 31-33 contain allowable subject matter. In light of that indication, Applicants have rewritten those claims as new claims 35-56, respectively, to place those claims in condition for allowance. Thus, claims 35-56 should be allowable.

In the Office Action, claims 1 and 2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action asserts that the term “a conveyance section for conveying the thermal development photosensitive material *with* the heating section” is not understandable. Although Applicants do not necessarily agree with this assertion, Applicants have amended the term to read --a conveyance section for conveying the thermal development photosensitive material *using* the heating section--. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-5 and 27-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Star et al. (U.S. Patent No. 6,007,971) in view of Torino et al. (U.S. Patent No. RE 33,770). Applicants respectfully traverse this rejection.

Independent claim 1 recites a thermal development apparatus comprising, among other things, “a heating section for heating thermal development photosensitive material [...] wherein the heating section comprises a cylindrical sleeve, a heating source provided inside of the cylindrical sleeve, and a resilient member on an external

surface of the cylindrical sleeve, and the resilient member comprises a smooth layer on its outermost surface, the smooth layer being configured to prevent a gaseous component from permeating to the resilient member from the thermal development photosensitive material.”

Similarly, independent claim 27 recites a thermal development apparatus comprising, among other things, “a heating section for heating and conveying thermal development photosensitive material [...] wherein the heating section comprises a heating member, a resilient member outside of the heating member, and a smooth layer at uppermost surface of the resilient member, the smooth layer being configured to prevent a gaseous component from permeating to the resilient member from the thermal development photosensitive material.” As explained below, neither Star et al. nor Torino et al., taken either alone or in combination, teaches or suggests the subject matter of claims 1 and 27.

Star et al. discloses a thermal processor 10 adapted to thermally develop an image in a photothermographic element 12. The processor 10 includes a heated member 14 and a plurality of guiding members 16, as shown in, for example, Figs. 1-3. The heated member 14 includes aluminum support tube 36 with resilient layer 38 on the exterior of the support tube 36.

Torino et al. discloses a heat-fixing apparatus adapted to be mounted in an image-forming apparatus. The apparatus includes a pressure roll 101 and a heating roll 102 arranged in contact with each other, as shown in Fig. 2. The heating roll 102 has a resilient layer 122 formed on the surface of a cylindrical core 121 and a release layer 124 formed on the surface of the resilient layer 122 to prevent offset.

The Office Action admits that Star et al. lacks any disclosure for “the resilient member [comprising] a smooth layer on its outermost surface,” as recited in independent claim 1, and for “a smooth layer at outermost surface of the resilient member,” as recited in independent claim 27. Nevertheless, the Office Action asserts that Torino et al. supplies the deficiency of Star et al. and that “it would have been obvious ... to provide a smooth fluorine resin layer [of Torino et al.] on the outermost surface of a resilient layer [of Star et al.] to prevent offset.”

Although Applicants do not necessarily agree with this assertion, Applicants have amended independent claims 1 and 27 to recite that the smooth layer is “configured to prevent a gaseous component from permeating to the resilient member from the thermal development photosensitive material.” Applicants respectfully submit that the release layer 124 of Torino et al. differs from the recited “smooth layer” because it is not “configured to prevent a gaseous component from permeating to the resilient member from the thermal development photosensitive material.” For example, the subject matter disclosed by Torino et al. relates to an electrophotographic technology and, therefore, does not require its release layer 124 to be configured to “to prevent a gaseous component from permeating to the resilient member from the thermal development photosensitive material.” Instead, the release layer 124 of Torino et al. is merely provided to prevent offset.

For at least the reasons set forth above, independent claims 1 and 27, and their respective dependent claims, define novel and non-obvious subject matter over the asserted combination of Star et al. and Torino et al. Thus, reconsideration and withdrawal of this rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Star et al. and Torino et al., as applied to claim 27 above and further in view of Kashino et al. (U.S. Patent No. 6,262,756). Dependent claim 34 depends from independent claim 27, and thus includes all elements and recitations thereof. As discussed above, independent claim 27 is patentably distinguishable from the asserted combination of Star et al. and Torino et al. Kashino et al. does not cure the deficiency of Star et al. and Torino et al. Therefore, claim 34 should also be allowable at least by virtue of its dependency from allowable independent claim 27. Thus, reconsideration and withdrawal of this rejection is also respectfully requested.

Applicants respectfully request the reconsideration of this application, the withdrawal of all the outstanding rejections, and the allowance of pending claims 1-56.

The Office Action contains a number of statements and characterizations regarding the claims and the related art. Applicants decline to subscribe automatically to any statement or characterization in the Office Action, regardless of whether it is addressed above.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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